

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CRIMINAL ACTION NO. 5:14-CR-00040-KDB-DSC**

USA,

Plaintiff,

v.

VICTOR JAVIER HERNANDEZ,

Defendant.

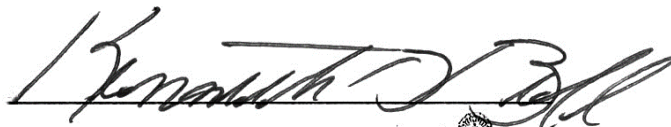
ORDER

THIS MATTER is before the Court on Defendant's Motion for Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c)(2) and United States Sentencing Guidelines (USSG) Amendment 782. (Doc. No. 44).

Considering that the USSG Amendment 782 became effective on November 1, 2014, and Defendant was sentenced in August of 2015, Defendant's sentence was imposed in accordance with Amendment 782. At sentencing, Defendant had a total offense level of 29 and a criminal history category of VI. The guideline range after Amendment 782 for a defendant with the same offense level and criminal history is 151-188 months. Defendant was sentenced to 151 months imprisonment. Therefore, he is not eligible for a reduction under Amendment 782.

IT IS THEREFORE ORDERED that Defendant's motion (Doc. No. 44) is **DENIED**.

Signed: November 4, 2019



Kenneth D. Bell
United States District Judge

